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Response

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Toward a Code of Ethics for Acquisitions Librarians

by **Barbara C. Dean** (Assistant Coordinator for Collection Analysis Fairfax Co. Public Library)

[As a feature for this issue of ATG, Barbara Dean has done the difficult job of constructing a code of ethics to share with us. And we are lucky enough to have responses to this code from Karen Schmidt, Joe Barker, and Gary Shirk. Thanks go to all of them! — Ed]

Acquisitions librarians have discussed ethics, and what constitutes a successful code of ethics for some time. Developing one's own code takes years of experience and thought, and some have found themselves in trouble for actions they did not suspect were improper.

Below is an attempt to codify the principles acquisitions librarians, their institutions, and their suppliers can agree belong in a code of ethics. Most are followed by examples of the every-day tasks to which they apply. Concepts appropriate to all librarians, such as protecting authors' rights and fighting censorship, are omitted because they belong in a broader discussion.

1) Acquisitions librarians shall be careful stewards of their institution's resources.

Negotiate a high discount and/or a low service fee with the supplier. The librarian's position in a negotiation is based on her knowledge of how much the library plans to spend with a supplier, the mix of titles to be ordered, and the supplier's business.

Use year-end windfalls to buy materials to strengthen the library's collection. Have a group of pre-selected titles ready to order, and/or a good working relationship with selectors who will provide titles quickly, and know which vendors have short turn-around times.

Manage people effectively. Hire the right people for the right jobs, provide them with effective, efficient, and clearly written policies and procedures, and encourage staff to do their best.

2) Acquisitions librarians shall be honest in their dealings with suppliers.

Submit claims only for periodical issues not received rather than for those received but later lost. Write requests for bids or proposals with the library's needs in mind rather than a favored supplier's services. Return books sent on approval in the specified time allowed by the supplier. Order books identified by approval plan forms from the supplier who sent the forms.

3) Acquisitions librarians shall communicate fully with vendors.

If the materials budget is cut mid-year, tell the vendor how your business will be affected. If there are organizational changes in the library, tell the vendor if the decision-making process has changed, and how.

4) Acquisitions librarians shall not make the vendor responsible for any problems within the library.

Do not overspend or over extend the budget and then expect the vendor to wait for payment.

5) Acquisitions librarians shall not participate in transactions on behalf of the library when:

— They are employed by the supplier.

— They, their business partner, or a member of their immediate family hold a position with a supplier "such as an officer, director, trustee, partner, or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent." (From *Professional and Consultant Services Procurement Policy of Fairfax County*, 11 December 1989, p.25.)

— They, their partner, or a member of

their immediate family have a financial interest in the transaction.

— They, their partner, or a member of their immediate family are "negotiating or have an arrangement concerning prospective employment" with the supplier. (Quote from above, page 25)

6) Acquisitions librarians shall not "solicit, demand, accept or agree to accept . . . any payment, loan, subscription, advance, or deposit of money, service or anything of more than nominal or minimal value . . . unless consideration of substantially equal or greater value is exchanged." (Quote from above, page 25)

7) Acquisitions librarians shall not accept a job with a supplier doing business with the library or its parent institution for at least one year after leaving the library's employ unless the librarian provides written notification to the library before beginning work for the supplier.

8) Acquisitions librarians shall avoid all situations in which the appearance of conflict of interest exists.

Do not attend a costly event as a supplier's guest and then begin doing business or increase business with that supplier.

Reactions --

Ethics is Like Pornography: A Reaction to "Toward a Code of Ethics for Acquisitions Librarians"

by **Karen A. Schmidt** (University of Illinois at Urbana-Champaign)

Ethics is the hot topic of the nineties, and not just in librarianship. Jim Bakker bilked thousands of people out of tens of thousands of dollars. Gary Hart lied to the media about his personal life. Leona Helmsley manipulated her records and lied on her tax forms. George Bush may have known about the Iran-Contra negotiations. His son Neil — well, who knows?

In some of these cases, and in countless others, laws were broken and our legal system frequently meted out its justice on the perpetrators. What really ties these people together, however, is our sense of outrage and indignity that Ethical Standards may have been trod upon. As a society, we expect that people will not lie, cheat or steal, and when

they do, it is often our sense of morality and justice that is most harmed.

It is this sense of rightness and propriety that compels us as acquisitions librarians to seek and define ethical standards. It's a noble cause, but may be impossible. While there are some basic concepts with which we can all agree — for example, we shouldn't steal money or material from our employers or vendors; we shouldn't allow vendors to buy our business with favors; we should try to get the best discount or deal for our institution — there are many other facets of ethical standards that are not so black and white.

Barbara Dean has done a good job setting down many of the ethical precepts that we can all agree on. We should be honest and careful stewards of the resources placed in our hands. We shouldn't make vendors responsible for our internal screw-ups. But there are items in her list that I would not call ethics, and other concepts that don't go far enough. It is this very difference of opinion that makes the discussion about ethics so interesting. It stimulates our thinking and forces us to learn about other acquisitions librarians' sense of rightness and fair play. Discussions on ethics are a sort of parlor game where everyone wins.

What are not ethical standards on Barbara's list? For me, many of the statements convey good management, but not ethics. I do not feel compelled by a sense of ethics to hire the best people or to negotiate a good discount. I attempt to be honest when I deal with vendors, and to tell them about any financial problems my library might be having. I try to do these things because it is what a good manager does. I could still be Harriet the Rat and achieve these goals.

Number 8 ("Acquisitions librarians shall avoid all situations in which the appearance of conflict of interest exists.") is an excellent example of the disagreements that can arise about ethics. Barbara suggests that acquisitions librarians not attend costly events and then begin or increase business with a vendor. Most of us would agree that this has the appearance of conflict of

interest: it looks like the vendor has bought our business in exchange for some great wine and paté. I would also suggest that it is equally unethical — at least in appearance — for an acquisitions librarian to attend costly events and NOT do any business with the vendor. This action has the effect of appearing to be freeloading from a vendor. The vendor is not serving us great wine and scrumptious paté for the sheer pleasure of our company. He or she is doing it to establish a business relationship. The ethics issue here is not the attendance at the costly event. It is what we do in our dealings with the vendor prior to and after the event that gets to the heart of the ethical question.

The problem is in deciding how to write ethical standards so that everyone knows what is meant and agrees with it.

In this way, ethics is like pornography: I can't define it but I know it when I see it. Maybe, like the amendments to our Constitution, we should be writing down what is not ethical instead of what is: "Acquisitions librarians shall make no arrangements with vendors that mislead the vendor in business dealings with the acquisitions librarian" is a tenet that comes to mind immediately.

Barbara's code serves a valuable purpose indeed. It challenges us to think about important questions in our working lives, and to try to put into words our feelings of right and wrong. Ethics may not be something we can legislate, but through discussion and debate we can come closer to understanding what we mean by ethics for acquisitions librarians.

Reactions ==

Sorting out A Code of Ethics for Acquisitions Librarians, Reaction to Barbara Dean's "Toward a Code of Ethics" by Joseph W. Barker (University of California, Berkeley)

We should each take the time, as has Barbara Dean, to write what we believe to be our code of ethics as individual acquisitions librarians. And we should all have the courage to publish it and invite reaction to it. Vendors should do the same.

A code of ethics is a statement of principles for conduct against which we can measure our actual or anticipated course of action in a given situation. We all think we are "ethical." None of us would come out and admit to systematic unethical behavior. But few of us can summon forth our code of conduct. We live instead from situation to situation, we participate in discussions with our peers about other people's questionable decisions and close calls. We become skilled at rationalizing to assuage any guilt for an action of our own that we think someone else might have avoided. If we don't write our code of ethics down, we have endowed ourselves with "flexible ethics."

But is it possible for any of us to write a standard, universally applicable code of ethics for all acquisitions librarians? I think not. Our institutions and the laws and policies that govern our

decisions vary. Our authority to make decisions and our span of decision-making responsibility vary. We can therefore share a common code of ethics only for those parts of our jobs which we all have in common. For the rest, we can share professional wisdom and integrity, and we can support one another by discussions heavily laden with the values and principles of which ethics are made. We can encourage one another to write our individual codes of ethics, and we can test these codes against our peers' ethics. There is no end to our need to refresh our hold on our ethics and practice being ready to whip our ethics out whenever we are tempted, approached, challenged, or invited to do something the slightest bit sleazy.

Speaking as an individual practitioner of acquisitions, I cannot disagree with points 1, 2, 3, 4, and 8 of Barbara Dean's code. Each of us can supply our own illustrations of what these ethical points mean to our conduct. With these five points, Barbara has begun a valuable process which will strengthen us as professionals if we follow her example.

Point 5 is really a classic part of avoiding conflict of interest, which Bar-

bara mentions as point 8, and I believe point 5 should be combined with 8 as an example of conflict of interest. Incidentally, all such situations are not necessarily unethical. They do, however, require full and formal disclosure to one's parent institution and perpetual watchfulness for any unethical business practices. If my significant other worked for a vendor from whom my library buys books, we don't have to stop seeing each other. Open and professional declaration of how I scrupulously avoid any bias in favor of my lover's boss's bread and butter would suffice. I know highly ethical librarians who dwell daily in such "mixed" situations with rules of conduct that keep everyone totally above reproach. At the University of California, there is a special form and a university policy governing disclosure of, and conduct to avoid, potential conflict of interest.

Barbara's point 6 would prohibit the library from receiving any gifts without exchanging a gift of equal or higher value. I think this is less a matter of ethics than of library and institution policy. My institution accepts all the useful and useable gifts it can get: endowments, estates, pledges, collections of books and individual gifts-in-kind of practically any nature, and thousands of serials received gratis from all over the world with nothing sent in exchange. I believe most university libraries do this. I also admire the principle that prohibits many public library systems from accepting gifts without always balancing the slate. The acquisitions librarian's ethical issue here is not the policy but rather his/her need to interpret it consistently and fairly, and to avoid all conflict of interest or even the teeniest bribe.

Point 7 in Barbara's code would require a librarian to wait at least a year after quitting his or her library job before accepting a job with a supplier used by the library. I disagree. Provided the library acts ethically, no harm is done by a librarian taking a job with a vendor of materials or systems in sales or technical support or whatever. I think

the vendor and the library community might be strengthened by the "crossing over" of experienced acquisitions practitioners. If such a person uses his/her connections in libraryland to advance sales, I think that's great, assuming the vendor is good. If the vendor isn't good, the

library should fall back on Barbara's first and third ethical points and decide that doing business with so-and-so is not careful stewardship of resources and communicate fully with the vendor about what should be improved to earn more business.

Reactions --

Comments on Barbara Dean's "Toward a Code of Ethics for Acquisitions Librarians"

by **Gary Shirk** (President/Chief Operating Officer, Yankee Book Peddler, Inc.)

[Gary is also a former acquisitions librarian. — Ed.]

Barbara Dean has opened the discussion of acquisitions ethics with a succinct listing of eight simple principles and examples of their application to commonplace situations. As simple as the principles are, I think they could be reduced in number and stated more briefly:

1. Manage resources carefully.
2. Be honest.
3. Communicate fully.
4. Exercise personal responsibility.
5. Avoid conflict of interest situations.
6. Don't take bribes or kickbacks.

To these I would add a few more:

7. Do your homework.
8. Clarify expectations.
9. Negotiate Win/Win agreements.

Following these principles should be so easy that we might wonder why we need state them at all. So what is the issue?

H. Ross Perot, our off-again-on-again presidential candidate, may have the answer. His comments on the principles of management and leadership may apply to our ethical code as well.

"The principles of management and leadership are simple. The hard part is doing them, living up to them day after day, not making lots of excuses for ourselves. You know all those complex management theories? They're just an excuse for not

facing up to how hard it is to live by some very basic principles." (From a conversation between the editors of *Inc.* magazine and H. Ross Perot during a 1990 *Inc.* Conference.)

The same applies to ethical principles. They are simple. The difficulty lies not in the principles, but in the complexity of the day-to-day situations to which they are applied. For many everyday tasks, right conduct is obvious. Barbara has offered many of the more simple situations for which the application of principles is clear. But for many acquisitions situations, determining right conduct is extraordinarily difficult and subtle. Let's look at just two examples:

1. Be Honest: It seems clear that the principle of honesty would require that both you and your vendor meet contractual obligations and avoid stealing goods and services from one another. But honesty also requires action at a more subtle level. It means avoiding dishonesty of both commission and omission. For example, is it honest to invite a vendor to make a sales presentation to satisfy the purchasing department's need for a selection of vendors when you know the vendor will not be chosen? Is it dishonest when a vendor comes to make a presentation when it is clear that he cannot meet the library's stated needs? Is it honest to continue accepting a discount negotiated on the basis of annual

expenditure size and mix when library budget cuts force a reduction in annual expenditures or mix?

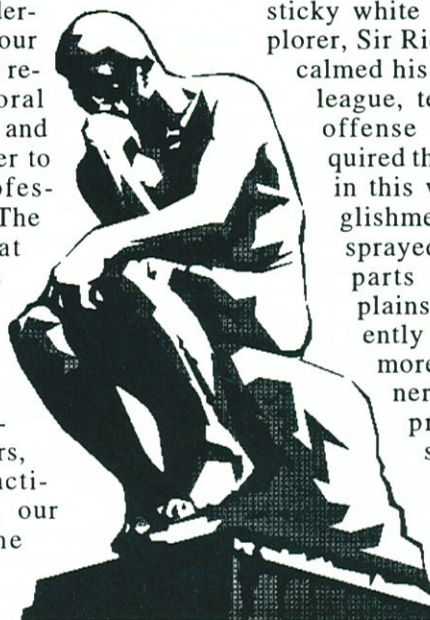
2. Don't take bribes or kickbacks: Again, when the situation is simple, e.g. money is passed across the table in exchange for an order, applying principle is clear. But many typical acquisitions situations are far more complex. Is it a bribe if you accept a vendor's invitation to a business lunch? Is it unethical to extend the invitation in the first place? Is it a kickback if, based upon a long-standing business relationship, a vendor allows you to use his cabin in Vermont?

So while the principles are simple, the situations in which we must apply them are not. As Perot would say, the hard part is living up to the principles day after day and not making excuses for ourselves. We need to acknowledge how hard it is to live up to them and develop means to confirm them to ourselves daily, support one another in them, and reduce each situation to its fun-

damental elements before applying our ethical principles.

We must understand that, for our purposes, ethics refers not to moral issues of right and wrong, but rather to acceptable professional conduct. The arbiters of that conduct are therefore those of us who participate in acquisitions transactions: librarians, vendors, publishers. Practically speaking, our customs define our ethics.

Do you recall the scene from the movie *Mountains of the Moon* in which African tribesmen conclude a successful negotiation with two English explorers? The tribal leaders gulped



what seemed to be fermented milk and spit into the Englishmen's faces, liberally spraying them with the sticky white fluid. The senior explorer, Sir Richard Burton, quickly calmed his less experienced colleague, telling him to take no offense because custom required that a deal be concluded in this way. So the two Englishmen gulped the milk and sprayed their tribal counterparts with gusto. On the plains of Africa, this apparently unruly behavior was more than just good manners, it was acceptable professional conduct supported by long-held custom.

We now embark on a conscious effort to create an ethical code that will force past custom to submit to our collective will. Until the task is done, however, I'd suggest that we conclude our negotiations with a handshake, not a spray in the face. ☛

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